

79TH CONGRESS
2^D SESSION

S. 2102

IN THE SENATE OF THE UNITED STATES

APRIL 22 (legislative day, MARCH 5), 1946

Mr. BRIDGES introduced the following bill; which was read twice and referred to the Committee on Military Affairs

A BILL

To promote the common defense of the United States of America by coordinating the departments and agencies of the Government relating to the common defense, to establish a Department of Air, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Common Defense Act
4 of 1946".

DECLARATION OF POLICY

5
6 SEC. 2. In enacting this legislation, it is the intent of
7 Congress to provide a comprehensive and continuous pro-
8 gram for our future safety and for the peace and security

1 of the world; to coordinate under civilian control the depart-
2 ments and agencies of the Government and their functions
3 relating to the common defense; to provide permanent ma-
4 chinery for the establishment of integrated programs for
5 the maximum use of the Nation's military, human, natural,
6 and industrial resources in the interests of common defense;
7 to realize the economies that can be achieved through unified
8 control of supply and service functions; to prevent duplica-
9 tion and overlapping of functions; to establish the most ad-
10 vantageous framework for a unified system of training for
11 combined operations by land, sea, and air forces; and, on
12 the basis of past knowledge and experience, to integrate
13 all elements of our Nation into an alert, smoothly working,
14 and efficient organization for the protection of our national
15 security. In time of peace it is essential that well-laid plans
16 be formulated and kept up to date ready, at an instant's
17 notice, to be put into effect in the event this Nation is
18 again threatened with or forced into war. The maintenance
19 of such an organization in a continuous state of full alert
20 will be aimed primarily at (a) the maintenance of peace,
21 (b) the removal of the causes of war, and (c) the sup-
22 pression of aggression but it shall, nevertheless, be fully able
23 at all times to protect our national security promptly and
24 effectively.

1 TITLE I—COORDINATION FOR NATIONAL
2 SECURITY COUNCIL OF COMMON DEFENSE

3 SEC. 101. (a) There is hereby established an inde-
4 pendent agency of the Government to be known as the
5 Council of Common Defense. The function of the Council
6 shall be the coordinating and integrating of common defense
7 policy. The Chairman of the Council of Common Defense
8 shall be the President, who at his discretion, may appoint
9 a Deputy Chairman to be known as the Coordinator of
10 Common Defense. In addition to the President, the Council
11 shall be composed of the Coordinator of Common Defense
12 (who will act as chairman in the President's absence), the
13 Secretary of State, the Secretary for the Army, the Sec-
14 retary for the Navy, and the Secretary for the Air Forces.
15 The Coordinator of Common Defense shall be an officer
16 of the executive branch of the Government and shall be
17 appointed from civil life by the President, by and with the
18 advice and consent of the Senate, as his Deputy for the
19 discharge of those responsibilities of the Commander in
20 Chief as may be delegated by the President. He shall re-
21 ceive compensation at the rate of \$17,500 per annum.

22 (b) In addition to any powers which the President
23 may delegate to him for the purpose of more effectively
24 coordinating the departments and agencies of the Govern-

1 ment and their functions relating to the common defense,
2 and for the purpose of more effectively implementing the
3 intent of Congress in this Act, it shall, subject to the direction
4 of the President, be the duty of the Coordinator of Common
5 Defense—

6 (1) to bring into common action the common de-
7 fense policies of the United States and to provide for
8 unity in the execution thereof;

9 (2) to assess and appraise the objectives, commit-
10 ments, and risks of the United States in relation to our
11 actual and potential military power, in the interests of
12 our common defense;

13 (3) to control the policies and activities of any
14 organization responsible in time of war for censorship
15 and for the conduct of psychological and economic war-
16 fare;

17 (4) to review the composition of the military budget
18 with a view to integrating and unifying it and to advise
19 the President with respect thereto; and

20 (5) to bring into common action the executive
21 departments, independent agencies, boards, commissions,
22 Government corporations, and other agencies in the
23 executive branch of the Government as may be necessary
24 to provide for the common defense.

25 (c) Each executive department and agency specified

1 in subsection (b) (5) of this section shall take such action
2 as may be required pursuant to the provisions of such sub-
3 section and, to the extent necessary, shall modify its opera-
4 tions and procedures and shall issue regulations with respect
5 thereto. Nothing in this section shall be construed as author-
6 izing any such department or agency to carry out any
7 directive issued to it under this section which is not within
8 the scope of the powers possessed by the President or by
9 such department or agency under provisions of law other
10 than this section.

11 (d) The Council shall have a staff to be headed by an
12 executive secretary who shall be appointed from civil life
13 by the President, by and with the advice and consent of
14 the Senate to serve for a term of fourteen years, and who
15 shall receive compensation at the rate of \$12,000 per annum.
16 The executive secretary shall prepare the agenda of the
17 Council and shall have the duty of providing data essential
18 to its deliberations and distributing its conclusions to the
19 departments and agencies concerned for information and
20 appropriate action. The executive secretary shall perform
21 such other duties as may be prescribed by the Council.

22 (e) The Coordinator of Common Defense shall make
23 at the close of each fiscal year a report in writing to the
24 President and to the Congress giving an account of all
25 moneys received and disbursed by the Council, making such

1 recommendations and legislative proposals as he shall deem
2 necessary to improve our common defense and for the
3 effective performance of the duties of the Council, and de-
4 scribing the work done by the Council in such detail as is
5 not inconsistent with national security. The Coordinator
6 shall, from time to time, make such other reports to the
7 President as he deems appropriate or as the President may
8 require.

9 JOINT CHIEFS OF STAFF

10 SEC. 102. (a) There is hereby established in the
11 Council of Common Defense an organization to be known
12 as the Joint Chiefs of Staff, which shall consist of the Chief
13 of Staff of the Army, the Chief of Naval Operations, and
14 the Commanding General of the Air Forces.

15 (b) It shall be the duty of the Joint Chiefs of Staff,
16 under the supervision and direction of the Council of Com-
17 mon Defense—

18 (1) to prepare plans for coordinating the activities
19 of all military forces;

20 (2) to prepare and integrate strategic plans and
21 provide for the strategic direction of all United States
22 military forces;

23 (3) to establish unified field commands in strategic
24 areas and bases in time of peace and in time of war;

25 (4) to establish consistent and equitable personnel

1 policies for all the military forces and to establish systems
2 of training for combined operations by land, sea, and
3 air forces;

4 (5) to prepare joint logistics plans and to assign
5 to the services logistic responsibilities in accordance with
6 such plans; and

7 (6) to approve major matériel and personnel re-
8 quirements of all the military forces in accordance with
9 strategic and logistic plans.

10 The Joint Chiefs of Staff shall make recommendations to
11 the Coordinator of Common Defense, or to the President,
12 through the Council of Common Defense, with respect to the
13 composition of the military budget as a whole, and shall
14 perform such other duties as may be prescribed by the Pres-
15 ident. In time of war, when the President may deem neces-
16 sary, he may call directly on the Joint Chiefs of Staff for
17 advice on operational military decisions in their joint capacity
18 as principal military advisers to the President; also the Pres-
19 ident may at his discretion exercise his command function
20 as Commander in Chief through the Joint Chiefs of Staff
21 direct.

22 (c) Each of said chiefs of staff may make such reports
23 as he deems appropriate to the Council of Common Defense,
24 or to the President through said Council, with respect to
25 matters relating to policy, strategy, and composition of the

1 military budget, as it affects his particular service. The
2 Council of Common Defense is also authorized to make such
3 reports as it deems appropriate to the President with respect
4 to similar matters.

5 (d) The Joint Chiefs of Staff shall be available at all
6 times to advise the President; the Coordinator of Common
7 Defense; the Council of Common Defense; the Secretaries
8 for the Army, Navy, and Air Forces; the National Security
9 Resources Board; and the Military Munitions Board with
10 respect to military matters and the matériel and personnel
11 requirements of the armed forces.

12 (e) The Joint Chiefs of Staff shall have a staff to be
13 headed by an executive secretary who shall be a commissioned
14 officer of general or flag rank and who shall be appointed by
15 the Joint Chiefs of Staff and shall perform such duties as
16 may be prescribed by the Joint Chiefs of Staff. Such num-
17 bers of commissioned officers and enlisted personnel of the
18 Army, Navy, Air Forces, and Marine Corps as the Joint
19 Chiefs of Staff deem to be necessary to enable them to per-
20 form their duties shall be assigned to the Joint Chiefs of
21 Staff.

22 ~~SECTION 103.~~ MILITARY EDUCATION AND TRAINING

23 SEC. 103. (a) There is hereby established under the
24 supervision and direction of the Joint Chiefs of Staff, a
25 Military Education and Training Board (hereinafter in this

1 section referred to as the "Board"), which shall be com-
2 posed of the commissioned officer of the Army, the com-
3 missioned officer of the Navy, the commissioned officer of
4 the Air Forces, and the commissioned officer of the Marine
5 Corps, who is responsible in the service in which he is com-
6 missioned for education and training within such service.

7 It shall be the duty of the Military Education and Train-
8 ing Board to make reviews, at least once a year, of the sev-
9 eral systems of education and training of the Army, Navy,
10 Air Forces, and Marine Corps, separately and as a whole,
11 and to make recommendations to the Joint Chiefs of Staff
12 for the adjustment of such systems into a balanced program,
13 including joint education and training.

14 (b) The Military Education and Training Board shall
15 have a staff to be headed by an executive director who shall
16 be appointed from civil life by the President, by and with the
17 advice and consent of the Senate, and shall receive compen-
18 sation at the rate of \$10,000 per annum. The executive
19 director shall prepare the agenda of the Board and shall have
20 the duty of providing data essential to its deliberations and
21 distributing its conclusions to the departments and agencies
22 concerned for information and appropriate action. The exec-
23 utive director shall perform such other duties as may be
24 prescribed by the Board.

1 (c) Such numbers of commissioned officers and enlisted
2 personnel of the Army, Navy, Air Forces, and Marine Corps
3 as the Military Education and Training Board, with the
4 approval of the Joint Chiefs of Staff, deems to be necessary
5 to enable it to perform its duties, shall be assigned to the
6 Board.

7 ADVISORY BOARD

8 SEC. 104. (a) There is hereby established an Advisory
9 Board on Military Education and Training to be composed
10 of the chairman of the Board and four additional members,
11 all of whom shall be appointed by the President from civil
12 life. The initial appointment of the chairman shall be for
13 a term of five years, and the initial appointment of the four
14 additional members shall be for terms of one, two, three,
15 and four years, and thereafter appointments shall be for
16 terms of five years; except that, in the case of a vacancy
17 caused by the death or resignation of a member, appoint-
18 ment of a successor shall be for the unexpired portion of
19 the term. Members may be reappointed but, except in the
20 case of a national emergency or except when waived by
21 the President, continuous membership shall not exceed two
22 terms. Members of the Board shall receive compensation at
23 the rate of \$25 for each day engaged in the business of
24 the Board and shall be reimbursed for their necessary travel
25 and other expenses incurred in the work of the Board.

1 (b) It shall be the duty of the Advisory Board on
2 Military Education and Training to make a continuing study
3 of the several systems of education and training of the Army,
4 Navy, Air Forces, and Marine Corps and to advise and
5 recommend to the Military Education and Training Board
6 changes in such systems and methods of improving them.
7 The Advisory Board on Military Education and Training
8 is authorized to appoint and fix the compensation of such
9 personnel as may be necessary to enable it to perform its
10 duties. Such appointments shall be made and such compen-
11 sation shall be fixed in accordance with the provisions of
12 the civil-service laws and the Classification Act of 1923,
13 as amended.

14 CENTRAL RESEARCH AND DEVELOPMENT AGENCY

15 SEC. 105. (a) There shall be in the Council of Com-
16 mon Defense a Central Research and Development Agency
17 (hereinafter in this section referred to as the "Agency"),
18 which shall be composed of seventeen members appointed
19 by the President. The membership shall include the Assist-
20 ant Secretaries for the Army, Navy, and Air Forces, who
21 are in charge, in their respective departments, of scientific
22 research and development; a commissioned officer of the
23 Army, of the Navy, and of the Air Forces; the Chairman
24 of the National Advisory Committee for Aeronautics; to-
25 gether with nine civilian scientists, engineers, or industrial-

1 ists. Initial appointment of civilian members shall be for
2 terms of one, two, three, and four years, apportioned as the
3 President may determine, and thereafter appointments shall
4 be for terms of four years; except that, in the case of a
5 vacancy caused by the death or resignation of a member,
6 appointment of a successor shall be for the unexpired portion
7 of the term. Civilian members may be reappointed but,
8 except in the case of a national emergency or except when
9 waived by the President, continuous membership shall not
10 exceed two terms.

11 (b) It shall be the duty of the Agency, under the
12 supervision and direction of the Council of Common Defense,
13 to foster programs of scientific research and development,
14 relating to problems of common defense, to foster the scien-
15 tific study of such problems, to advise the Coordinator of
16 Common Defense and the military services on the applica-
17 tions of science to common defense, and to foster the efforts
18 of all agencies of the Government in the field of scientific
19 research and development relating to problems of common
20 defense. As used in this subsection the term "science"
21 shall include the employment of scientific methods of experi-
22 ment and test in any branch of pure or applied science.

23 (c) The Agency shall in no way relieve the Depart-
24 ments of War, Navy, and Air, or other governmental agen-
25 cies, of their responsibility for research and development work

1 under their jurisdiction. Funds allocated by the Agency to
2 other governmental agencies shall be utilized for projects
3 designated by the Agency and undertaken on its behalf, and
4 shall be in addition to, and not in lieu of, funds regularly
5 appropriated to the agency concerned.

6 (d) The Agency shall elect annually its chairman and
7 vice chairman from its civilian membership. Members of
8 the Agency, except members holding other office in the Gov-
9 ernment, shall receive compensation at the rate of \$25 for
10 each day engaged in the business of the Agency, and shall
11 be reimbursed for their necessary travel and other expenses
12 incurred in the work of the Agency.

13 (e) The Agency shall have a staff to be headed by an
14 executive director who shall be appointed from civil life by
15 the President, by and with the advice and consent of the
16 Senate, and shall receive compensation at the rate of \$10,000
17 per annum. The executive director shall prepare the agenda
18 of the Agency and shall have the duty of providing data
19 essential to its deliberations and distributing its conclusions
20 to the departments and agencies concerned for information
21 and appropriate action. The executive director shall perform
22 such other duties as may be prescribed by the Agency or
23 Chairman thereof. The executive director, with the approval
24 of the Chairman, may employ the services of such part-time
25 advisory personnel as may be necessary to carry out the

1 objectives of this section. Persons so engaged shall be reim-
2 bursed for their necessary travel and other expenses incurred
3 in the work of the Agency. Such persons may be noncom-
4 pensated or may receive compensation at a rate not to exceed
5 \$25 for each day of service.

6 (f) Wherever practicable the Agency shall make use
7 of the facilities and services of the Army, Navy, Air Forces,
8 and other governmental agencies available for scientific
9 research or development work, and wherever practicable
10 it shall conduct research or development projects through
11 or in cooperation with such agencies. Such agencies are
12 hereby authorized and directed to make such facilities and
13 services available to the Agency and to participate in the
14 conduct of its projects. The Agency shall not itself operate
15 laboratories.

16 (g) The Agency may transfer funds to other govern-
17 mental agencies for research or development work included
18 within the programs formulated by the Agency.

19 (h) The Agency shall report annually to the Council
20 of Common Defense an account of the work done by the
21 Agency, and such reports shall, to the extent consistent
22 with the national security, be included in the annual report
23 of the Council.

24 CENTRAL INTELLIGENCE AGENCY

25 SEC. 106. (a) There shall be in the Council of Com-

1 mon Defense a Central Intelligence Agency (hereinafter
2 in this section referred to as the "Agency"), with a Director
3 who shall be the head thereof, to be appointed by the
4 President by and with the advice and consent of the Senate,
5 who shall receive compensation at the rate of \$12,000 per
6 annum. The Agency's membership shall include a com-
7 missioned officer of the Army, of the Navy, and of the Air
8 Forces, representatives of the Departments of State and
9 Treasury, a representative of the Federal Bureau of Inves-
10 tigation, and such other representatives of agencies and
11 departments of the Government as the Coordinator of Com-
12 mon Defense may, from time to time, recommend and the
13 President approve.

14 (b) It shall be the duty of the Agency, under the
15 supervision and direction of the Council of Common Defense,
16 to formulate intelligence programs relating to problems of
17 common defense; to direct and conduct studies of such prob-
18 lems; to compile, analyze, evaluate, and disseminate intelli-
19 gence concerning military, international, economic, and
20 technological developments gathered by all Government
21 agencies, including the several military services; to co-
22 ordinate the efforts of all intelligence-gathering agencies of
23 the Government; to perform, for the benefit of such intelli-
24 gence agencies, such services of common concern as the
25 Coordinator of Common Defense determines can be more

1 efficiently accomplished centrally; to advise the President
2 and the Coordinator of Common Defense on the application
3 of intelligence to common defense; and to perform such
4 other functions as may be prescribed by the President or the
5 Secretary of Common Defense.

6 (c) The Agency shall in no way relieve the Depart-
7 ments of State, Treasury, War, Navy, and Air, or other
8 governmental agencies, of their responsibility for, or author-
9 ity over, intelligence work under their jurisdiction. The
10 Agency shall have no police, subpoena, law enforcement, or
11 internal security powers or functions; nor shall anything
12 herein be construed as authorizing the making of investiga-
13 tions inside the continental United States or its possessions,
14 except as provided by law and Presidential directives. The
15 Director of the Agency shall be responsible for fully protect-
16 ing intelligence sources and methods.

17 (d) The Agency shall have a staff to be headed by an
18 executive secretary who shall be appointed from civil life
19 by the President, by and with the advice and consent of
20 the Senate, and shall receive compensation at the rate of
21 \$10,000 per annum. The executive secretary shall prepare
22 the agenda of the Agency and shall have the duty of pro-
23 viding data essential to its deliberations and distributing its
24 conclusions to the departments and agencies concerned for

1 information and appropriate action. The executive secre-
2 tary shall perform such other duties as may be pre-
3 scribed by the Director of the Agency. The executive
4 secretary, with the approval of the Director, may
5 employ the services of such part-time temporary advisory
6 personnel as he deems necessary to carry out the objectives
7 of this section. Persons so engaged shall be reimbursed for
8 their necessary travel and other expenses incurred in the
9 work of the Agency. Such persons may be noncompen-
10 sated or may receive compensation at a rate not to exceed
11 \$25 for each day of service.

12 (e) The Agency shall make use of the facilities and
13 services of the Departments of State, Treasury, Justice,
14 War, Navy, Air, and other Government agencies available
15 for intelligence work. Such agencies are hereby authorized
16 and directed to make such facilities and services available to
17 the Agency and to participate to the fullest extent in the
18 objectives of the Agency.

19 (f) The Agency may transfer funds to other govern-
20 mental agencies for intelligence work included within the
21 programs formulated by the Agency.

22 (g) The Agency shall report annually to the Council
23 of Common Defense on account of the work done by the
24 Agency and such report shall, to the extent consistent with

1 the national security, be included in the annual report of
2 the Council.

3 NATIONAL SECURITY RESOURCES BOARD

4 SEC. 107. (a) There is hereby established in the Coun-
5 cil of Common Defense an agency of the Government to
6 be known as the National Security Resources Board (here-
7 inafter in this section referred to as the "Board") to be
8 composed of the Chairman of the Board, the Chairman of
9 the Military Munitions Board, and such other heads of the
10 various executive departments and independent agencies as
11 may from time to time be designated by the President to
12 be members of the Board. The Chairman of the Board shall
13 be appointed from civil life by the President, by and with
14 the advice and consent of the Senate, and shall receive com-
15 pensation at the rate of \$12,000 per annum.

16 (b) It shall be the duty of the Chairman, under the
17 supervision and direction of the Council of Common De-
18 fense—

19 (1) to formulate policies and programs for the
20 maximum use of the Nation's resources in support of
21 our national security;

22 (2) to review such policies and programs con-
23 tinuously and to make such changes therein from time
24 to time as may be desirable;

25 (3) to formulate and revise such policies and pro-

1 grams with a view to meeting requirements for man-
2 power, supplies, and materials with minimum disruption
3 of the civilian economy of the Nation;

4 (4) to prepare and maintain an inventory of the
5 natural resources of the Nation and adequate information
6 on the manpower, resources, and productive facilities of
7 the Nation; and

8 (5) to formulate policies and programs for the
9 purpose of maintaining adequate reserves of strategic
10 materials and of conserving our basic resources.

11 (c) The Board shall have a staff to be headed by an
12 executive director who shall be appointed from civil life by
13 the President, by and with the advice and consent of the
14 Senate, and shall receive compensation at the rate of \$10,000
15 per annum. The executive director shall prepare the agenda
16 of the Board and shall have the duty of providing data
17 essential to its deliberations and distributing its conclusions
18 to the departments and agencies concerned for information
19 and appropriate action. The executive director shall perform
20 such other duties as may be prescribed by the Board or the
21 Chairman thereof.

22 (d) The Board is authorized to appoint and to receive
23 advice from such advisory committees as it may deem neces-
24 sary. The members of such advisory committees shall be
25 reimbursed for their necessary travel and other expenses

1 incurred in the performance of their duties as members of
2 the committees and may be noncompensated or may be paid
3 compensation at a rate of not to exceed \$25 for each day
4 of service.

5 (e) The Board shall report annually to the Council
6 of Common Defense an account of the work done by the
7 Board and such report shall, to the extent consistent with
8 the national security, be included in the annual report of
9 the Council.

10 MILITARY MUNITIONS BOARD

11 SEC. 108. (a) There is hereby established in the Coun-
12 cil of Common Defense an agency of the Government to
13 be known as the Military Munitions Board (hereafter in
14 this section referred to as the "Board") to be composed
15 of the Chairman of the Board, the Under Secretary or the
16 Assistant Secretary for the Army, the Under Secretary or
17 the Assistant Secretary for the Navy, the Under Secretary
18 or the Assistant Secretary for the Air Forces, and the Chair-
19 man of the Maritime Commission. The Chairman of the
20 Board shall be appointed from civil life by the President,
21 by and with the advice and consent of the Senate, and shall
22 receive compensation at the rate of \$12,000 per annum.
23 The President is authorized to appoint as additional members
24 of the Military Munitions Board, those heads of executive

1 departments and independent agencies which he may deem
2 necessary.

3 (b) It shall be the duty of the Chairman, under the
4 supervision and direction of the Council of Common Defense
5 and in support of the strategic and logistic plans of the Joint
6 Chiefs of Staff—

7 (1) to coordinate the procurement, production, and
8 distribution programs of the several military services and,
9 so far as practicable, to establish uniform policies, proce-
10 dures, and controls in these fields;

11 (2) to assign procurement responsibilities among
12 the several military services and to provide, so far as
13 practicable, for centralized or coordinated purchasing of
14 munitions for all branches of the armed forces;

15 (3) to develop and maintain estimates of potential
16 production, procurement, and personnel for the use of
17 the Joint Chiefs of Staff in its evaluation of the logistic
18 feasibility of strategic operations;

19 (4) to establish relative priorities of the various
20 segments of the military program;

21 (5) to maintain close liaison with the Joint Chiefs
22 of Staff, the National Security Resources Board, and
23 other civilian agencies for the purpose of proper integra-
24 tion of military requirements with the civilian economy

1 and for coordination of production, procurement, and dis-
2 tribution programs with the civilian economy;

3 (6) to make a study of the presently existing
4 interservice committees operating in the fields of pro-
5 curement, production, and distribution and to regroup,
6 combine, or dissolve them in such manner as to elimi-
7 nate duplication and wasteful competition and to promote
8 efficiency and economy; and

9 (7) to prescribe the policies and procedures gov-
10 erning the operation of such committees as may be
11 retained or hereafter established.

12 (c) The Board shall have a staff to be headed by an
13 executive director who shall be appointed from civil life
14 by the President, by and with the advice and consent of
15 the Senate, and shall receive compensation at the rate of
16 \$10,000 per annum.

17 The executive director shall prepare the agenda of the
18 Board and shall have the duty of providing data essential
19 to its deliberations and distributing its conclusions to the
20 departments and agencies concerned for information and
21 appropriate action. The executive director shall perform
22 such other duties as may be prescribed by the Board or the
23 Chairman thereof.

24 (d) There shall be an executive committee consisting
25 of the chief military officers of each service in the procure-

1 ment and logistics field, and such other committees as are
2 necessary to carry out the functions of the Board. The com-
3 missioned officer members of the executive committee shall
4 be designated by the Secretaries for their respective depart-
5 ments.

6 (e) The Board shall report annually to the Council
7 of Common Defense an account of the work done by the
8 Board and such report shall, to the extent consistent with
9 the national security, be included in the annual report of
10 the Council.

11 TITLE II—DEPARTMENT OF AIR

12 ESTABLISHMENT OF DEPARTMENT

13 SEC. 201. (a) There is hereby established at the seat
14 of government an executive department to be known as the
15 Department of Air, which shall be administered by a Sec-
16 retary for the Air Forces, who shall be appointed by the
17 President, by and with the advice and consent of the Senate,
18 and who shall receive compensation at the rate of \$15,000
19 a year.

20 (b) Section 158 of the Revised Statutes is amended
21 to include the Department of Air, and the provisions of
22 so much of title IV of the Revised Statutes as now or here-
23 after amended, as is not inconsistent with this Act, shall be
24 applicable to the Department.

25 (c) The Secretary for the Air Forces shall cause a

1 seal of office to be made for the Department, of such device
2 as the President shall approve, and judicial notice shall be
3 taken thereof.

4 (d) Incidental to the foregoing provisions, the military
5 branch of the Government will henceforth consist of three
6 independent departments. Nothing in this Act shall detract
7 from or infringe upon the constitutional rights of the mili-
8 tary departments as executive departments of the Federal
9 Government, authorized to conduct the business of their
10 separate departments in an autonomous manner.

11 UNDER SECRETARY

12 SEC. 202. There shall be in the Department of Air
13 an Under Secretary for the Air Forces, who shall be ap-
14 pointed by the President, by and with the advice and consent
15 of the Senate, and who shall receive compensation at the
16 rate of \$12,000 a year.

17 The Under Secretary shall perform such duties as may
18 be required by law or prescribed by the Secretary for the
19 Air Forces. The Under Secretary shall (1) in the case of
20 the death, resignation, or removal from office of the Secre-
21 tary, perform the duties of the Secretary until a successor
22 is appointed, and (2) in the case of the absence of the
23 Secretary, perform the duties of the Secretary until such
24 absence shall terminate.

ASSISTANT SECRETARIES

1
2 SEC. 203. (a) There shall be in the Department of Air
3 three Assistant Secretaries for the Air Forces, who shall
4 be appointed by the President, by and with the advice and
5 consent of the Senate, and who shall receive compensation
6 at the rate of \$10,000 a year. One Assistant Secretary,
7 who shall be a person with broad knowledge in the field
8 of scientific research and development and shall have had at
9 least ten years' practical scientific experience prior to ap-
10 pointment, shall be in charge of scientific research and devel-
11 opment within the Department and shall maintain close
12 liaison with all other agencies of the Government engaged
13 in such research and development. Each of the Assistant
14 Secretaries shall perform such duties as may be required by
15 law or prescribed by the Secretary for the Air Forces.

16 (b) There shall also be in the Department of Air such
17 other officers and employees as shall be transferred to the
18 Department under this Act, and as may from time to time
19 be provided for by Congress.

20 TRANSFER TO DEPARTMENT OF AIR OF STRATEGICAL AND

21 TACTICAL AIR FORCES

22 SEC. 204. (a) All offices, bureaus, agencies, branches,
23 organizations, and military units of the Department of War
24 or of the Army Air Forces, which are used primarily in the

26

1 administration of, or constitute a part of, the strategic and
2 tactical units of the Army Air Forces or the Air Transport
3 Command (but no other part of the Army Air Forces), are
4 hereby transferred from the Department of War and the
5 Army Air Forces to the Department of Air; and all functions
6 of the Secretary of War or of any officer of the War Depart-
7 ment with respect to the administration of the offices,
8 bureaus, agencies, branches, organizations, and military units
9 so transferred are hereby transferred to the Secretary for the
10 Air Forces. All records and all real and personal property
11 (including office equipment) of the Department of War or
12 of the Army Air Forces, and all military and civilian per-
13 sonnel (including Reserve military personnel) of such Depart-
14 ments or of such forces, used primarily in the administration
15 of the offices, bureaus, agencies, branches, organizations,
16 military units, or functions so transferred are hereby trans-
17 ferred to the Department of Air for use in the administration
18 of such Department of Air and of the function so trans-
19 ferred.

20 (b) The Naval Air Transport Service shall be discon-
21 tinued. All functions of the Secretary of the Navy with
22 respect to the administration of the Naval Air Transport
23 Service are hereby transferred to the Secretary for the Air
24 Forces. All property (including office equipment) and
25 civilian personnel heretofore employed by the Naval Air

1 Transport Services, not otherwise required by the Navy
2 Department for other purposes, shall be transferred to the
3 Department of Air. No other part of naval aviation, in-
4 cluding marine aviation, shall be transferred pursuant to
5 this Act. Nothing in this Act is intended to deprive the
6 Navy of the use of naval shore-based aviation for long-range
7 overwater reconnaissance, the protection of shipping or anti-
8 submarine warfare, or of the operation of transport aircraft
9 for internal utility.

10 (c) The transfer to the Department of Air under this
11 Act of civilian officers and employees of the Department
12 of War or of the Department of the Navy shall be without
13 changes in classification or compensation, but the Secre-
14 tary for the Air Forces is authorized to make such changes
15 in the titles and designations and prescribe such changes in
16 the duties of such officers and employees as he may deem
17 necessary to carry out the purposes of this Act.

18 (d) Such part as the President may specify of the unex-
19 pended appropriations or allocations of funds available for
20 expenditure by the Department of War or the Department
21 of the Navy in connection with the administration of the
22 offices, bureaus, agencies, branches, organizations, military
23 units, and functions transferred by this Act shall be available
24 for expenditure by the Department of Air to carry out the

1 purpose for which such appropriations or allocations were
2 originally made and to carry out the purpose of this Act.

3 (e) Notwithstanding the provisions of subsection (a),
4 the office of Assistant Secretary of War created by section 9
5 of the Act of July 2, 1926 (44 Stat. 784), shall not be
6 transferred from the Department of War to the Department
7 of Air but shall remain in the Department of War and here-
8 after said Assistant Secretary of War (hereafter called the
9 Assistant Secretary for the Army as provided in section 304)
10 shall perform, in lieu of the duties imposed upon him on the
11 date of enactment of this Act, such duties as may be required
12 by law or prescribed by the Secretary for the Army.

13 ESTABLISHMENT OF THE AIR FORCES OF THE UNITED
14 STATES

15 SEC. 205. (a) There is hereby established in the De-
16 partment of Air a military force to be known as the Air
17 Forces of the United States, which shall be composed of the
18 Regular Air Forces and of reserve components corresponding
19 to the reserve components of the Army of the United States.
20 All military personnel transferred under the provisions of this
21 Act shall be members of the Air Forces of the United States.
22 Such of the military personnel so transferred as are members
23 of the Regular Army of the United States shall be members
24 of the Regular Air Forces and such of the military personnel
25 so transferred as are members of the reserve components of

1 the Army of the United States shall be members of the cor-
2 responding reserve components of the Air Forces of the
3 United States.

4 (b) There shall be in the Department of Air an officer
5 to be known as the Commanding General of the Air Forces
6 who shall be the head thereof and who shall be appointed
7 by the President, by and with the advice and consent of
8 the Senate, for a period of four years from among the general
9 officers of such forces. Said Commanding General shall
10 exercise military command over all of the personnel of the
11 Air Forces of the United States on active duty and shall be
12 charged with the duty of executing all lawful orders which
13 may be transmitted to him by the President or the Secretary
14 for the Air Forces. An officer while serving as Com-
15 manding General of the Air Forces of the United States
16 shall have the rank and title of general and while so serving
17 shall be entitled to the pay and allowances of a rear admiral
18 (upper half) and to a personal money allowance of \$2,200
19 per year.

20 OFFICERS AND ENLISTED PERSONNEL OF THE AIR FORCES

21 SEC. 206. (a) The commissioned officers of the Regu-
22 lar Army who are transferred to the Department of Air
23 under the provisions of this Act shall be commissioned in
24 the Regular Air Forces of the United States in permanent
25 grades corresponding to the permanent grades held by them

1 in the Army of the United States on the date of such trans-
2 fer. All commissioned officers thereafter appointed—

3 (1) in the Regular Air Forces of the United States
4 shall be appointed by the President, by and with the
5 advice and consent of the Senate, or

6 (2) in the reserve components of the Air Forces
7 of the United States shall be appointed,

8 in accordance with laws in effect on the date of enactment
9 of this Act relating to the appointment of officers in the
10 Army of the United States.

11 (b) All enlisted personnel of the Army of the United
12 States who are transferred to the Department of Air under
13 the provisions of this Act shall be deemed to be enlisted
14 personnel of that component of the Air Forces of the United
15 States which corresponds to the component of the Army of
16 the United States of which they were members and their
17 transfers shall be without change in grade.

18 (c) All provisions of law in effect on the date of enact-
19 ment of this Act with respect to periods of service, enlist-
20 ment, promotion, pay and allowances, and retirement of
21 personnel of the Army of the United States, and all other
22 laws relating to the Army of the United States (including
23 the Articles of War) which are not inconsistent with the
24 provisions of this Act, shall be applicable with respect to

1 the Air Forces of the United States and the personnel thereof
2 until modified or superseded by the Congress.

3 POWER OF THE PRESIDENT TO PERFECT ORGANIZATION OF
4 THE DEPARTMENT OF AIR

5 SEC. 207. (a) The President is authorized, for the
6 purpose of perfecting the organization of the Department
7 of Air and of the Air Forces of the United States, to con-
8 solidate, eliminate, or redistribute the functions of offices,
9 bureaus, agencies, branches, and organizations transferred
10 to the Department of Air, to create new ones within such
11 Department, and to fix the powers, duties, and functions
12 of their executive heads.

13 (b) The President, through the Secretary for the Air
14 Forces, shall make a full and complete study and investiga-
15 tion of the Department of Air as constituted by this Act with
16 a view to recommending to Congress such legislation as may
17 be necessary to provide for the efficient and economical
18 operation of the Department of Air and of the Air Forces
19 of the United States and to insure that the personnel thereof
20 shall be adequately trained and of the highest possible qual-
21 ifications. A report with respect to such study and investiga-
22 tion, together with any recommendations for legislation re-
23 sulting therefrom, shall be made to the Congress as soon
24 as practicable but in no event later than one year after the
25 date of enactment of this Act.

1 SAVING CLAUSE AS TO ORDERS, RULES, REGULATIONS, AND

2 SO FORTH

3 SEC. 208. All orders, rules, regulations, and permits or
4 other privileges made, issued, or granted by or in respect
5 of the Department of War or the Department of the Navy
6 and relating to any of the offices, bureaus, agencies, branches,
7 organizations, military units, or functions transferred to the
8 Department of Air under the provisions of this Act shall,
9 insofar as not inconsistent with the provisions of this Act,
10 continue in effect to the same extent as if such transfer had
11 not occurred until modified, superseded, or repealed.

12 ANNUAL REPORTS

13 SEC. 209. The Secretary for the Air Forces shall make
14 at the close of each fiscal year a report in writing to Congress
15 giving an account of all moneys received and disbursed by
16 him and the Department of Air, describing the work done
17 by the Department, and making such recommendations as
18 he shall deem necessary for the effective performance of the
19 duties and purposes of the Department.

20 SAVING CLAUSE AS TO LEGAL PROCEEDINGS

21 SEC. 210. No suit, action, or other proceeding lawfully
22 commenced by or against the Secretary of War or the
23 Secretary of the Navy (hereafter called the Secretary for
24 the Army and the Secretary for the Navy, respectively, as
25 provided in section 304) in his official capacity as the officer

1 administering any office, bureau, agency, branch, organiza-
2 tion, military unit, or function transferred under the pro-
3 visions of this Act or in relation to the discharge of his
4 official duties with respect to any such office, bureau, agency,
5 branch, organization, military unit, or function, shall abate
6 by reason of the taking effect of this Act, but the court
7 may, on motion or supplemental petition filed at any time
8 within twelve months after the date of enactment of this
9 Act, showing the necessity for the survival of such suit,
10 action, or other proceeding to obtain a settlement of the
11 questions involved, allow the same to be maintained by or
12 against the Secretary for the Air Forces.

13 TITLE III—MISCELLANEOUS PERSONNEL

14 SEC. 301. (a) The Council of Common Defense, the
15 Joint Chiefs of Staff, the Central Research and Development
16 Agency, the Central Intelligence Agency, the Military
17 Education and Training Board, the National Security Re-
18 sources Board, and the Military Munitions Board are au-
19 thorized to appoint and fix the compensation of such
20 personnel as may be necessary to perform their respective
21 duties and as may be appropriated for from time to time by
22 the Congress. Such appointments shall be made and such
23 compensation shall be fixed in accordance with the provisions
24 of the civil-service laws and the Classification Act of 1923,
25 as amended.

1 (b) The members of the Advisory Board on Military
2 Education and Training, the civilian members of the Central
3 Research and Development Agency and its part-time ad-
4 visory personnel, the part-time advisory personnel of the
5 Central Intelligence Agency, and the members of the advisory
6 committees established by the National Security Resources
7 Board, may serve as such without regard to sections 109
8 and 113 of the Criminal Code (U. S. C., title 18, secs. 198
9 and 203), and section 19 (e) of the Contract Settlement
10 Act of 1944 (U. S. C., title 41, sec. 119), except insofar
11 as such sections may prohibit any such person from receiving
12 compensation in respect of any particular matter which
13 directly involves the agency, board, or committee in which
14 such person is serving or in which such agency, board, or
15 committee is directly interested.

16 RULES AND REGULATIONS

17 SEC. 302. The agencies named in section 301 (a) are
18 authorized to make such rules and regulations as may be
19 necessary to enable them to carry out the duties imposed
20 upon them by this Act.

21 ASSISTANT SECRETARIES FOR THE ARMY AND NAVY

22 SEC. 303. (a) There shall be an additional Assistant
23 Secretary for the Army and an additional Assistant Secretary
24 for the Navy who shall be appointed by the President, by
25 and with the advice and consent of the Senate, and shall

1 receive compensation at the rate of \$10,000 a year. Each
2 such Assistant Secretary shall be in charge of scientific re-
3 search and development within his department and shall
4 maintain close liaison with all other agencies of the Govern-
5 ment engaged in such research and development. Each such
6 Assistant Secretary shall be a person with broad knowledge
7 in the field of scientific research and development and shall
8 have had at least ten years' practical scientific experience
9 prior to appointment. Each such Assistant Secretary shall
10 perform such other duties as may be required by law or
11 prescribed by the Secretary for the Army or the Secretary
12 for the Navy, respectively.

13 (b) The office of Under Secretary of War, established
14 as a temporary wartime office by the Act of December 16,
15 1940 (54 Stat. 1224), as amended, is hereby made perma-
16 nent and shall hereafter be called the office of Under Secre-
17 tary for the Army; and the office of Under Secretary of the
18 Navy, established as a temporary office in time of national
19 emergency by the Act of June 20, 1940 (54 Stat. 494), is
20 hereby made permanent and shall hereafter be called the
21 office of Under Secretary for the Navy.

22 CHANGE IN NAME OF SECRETARIES OF WAR AND OF THE
23 NAVY

24 SEC. 304. (a) The Secretary of War, the Under Sec-
25 retary of War, and each Assistant Secretary of War shall

1 hereafter be called the Secretary for the Army, the Under
2 Secretary for the Army, and the Assistant Secretary for
3 the Army, respectively.

4 (b) The Secretary of the Navy, the Under Secretary
5 of the Navy, and each Assistant Secretary of the Navy
6 shall hereafter be called the Secretary for the Navy, the
7 Under Secretary for the Navy, and the Assistant Secretary
8 for the Navy, respectively.

9 (c) The Secretaries, Under Secretaries, and Assistant
10 Secretaries specified in subsections (a) and (b) shall con-
11 tinue to receive the same compensation as provided by laws
12 in force on the date of enactment of this Act.

13 COORDINATION OF MEDICAL DEPARTMENTS

14 SEC. 305. The President, through the Coordinator of
15 Common Defense, shall make a full and complete study and
16 investigation with respect to the organization and functions
17 of the medical organizations of the military services and of
18 the United States Public Health Service with a view to
19 recommending to Congress such legislation as may be neces-
20 sary to provide for the highest degree of coordination of the
21 activities thereof and the most efficient and economical per-
22 formance of such functions, with particular emphasis on (a)
23 the joint use by such services of hospitals and other medical
24 facilities, (b) the elimination of such hospitals and other
25 medical facilities, as may be surplus as a result of such joint

1 use, (c) joint research on military medical problems, (d)
2 joint training and education of the members of such organi-
3 zations, (e) the detailing from one to another of such organi-
4 zations members thereof who are specialists in particular fields
5 of medicine, and (f) the elimination of duplication and com-
6 petition among such services in the procurement of matériel
7 and of personnel (including nurses). Such recommendations
8 shall include a recommendation with respect to the adminis-
9 tration of such medical organizations and the United States
10 Public Health Service as a coordinated service in time of war.
11 A report of such study and investigation, together with rec-
12 ommendations, shall be made to the Congress as soon as
13 practicable but in no event later than two years after the date
14 of enactment of this Act.

15 SEC. 306. Reference to the Navy or the Department of
16 Navy throughout this Act shall be construed to include, as
17 an organic part of the Naval Establishment, the Marine
18 Corps, and its Air-Ground Fleet Marine Force.

19 SEC. 307. In order that each service will be assured that
20 autonomy necessary for the effective development of the
21 weapons peculiar to itself, and at the same time insure
22 maximum coordination in their joint employment the follow-
23 ing principles shall govern:

24 (1) No service will attempt to restrict in any way the

1 means and weapons used by any other service in carrying
2 out its functions.

3 (2) No service will attempt to restrict in any way the
4 area of operations of any other service in carrying out its
5 functions.

6 (3) Each service will lend the utmost assistance to
7 other services in carrying out their functions.

8 EFFECTIVE DATE

9 SEC. 308. This Act shall take effect upon its enact-
10 ment; except that section 204 shall take effect upon the
11 expiration of thirty days after the date of enactment.

79TH CONGRESS
2d Session

S. 2102

A BILL

To promote the common defense of the United States of America by coordinating the departments and agencies of the Government relating to the common defense, to establish a Department of Air, and for other purposes.

By Mr. BRIDGES

APRIL 22 (legislative day, March 5), 1946
Read twice and referred to the Committee on Military Affairs